

DECLARATION AND POWER OF ATTORNEY

I, Andrew R. Jamieson, declare:

I am a citizen of Canada and am a resident of Nova Scotia, Canada whose post-office address is 19 Klondyke Street, Kentville, Nova Scotia, B4N 1J1 Canada.

I believe myself to be the original, first and sole inventor of the improvement in Strawberry Variety Named 'Sable' described and claimed in the annexed specification.

I have asexually reproduced the new and distinct variety.

I have reviewed and understand the contents of the specification, including the claim.

I do not know and do not believe that the same was ever known or used in the United States before my invention thereof; or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application; or in public use or on sale in the United States more than one year prior to this application.

Said invention has not been patented or been made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

No application for patent or inventor's certificate thereon has been filed by me or my legal representatives or assigns in any country foreign to the United States.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint William H. Logsdon, Registration No. 22,132; Russell D. Orkin, Registration No. 25,363; David C. Hanson, Registration No. 23,024; Richard L. Byrne, Registration No. 28,498; Frederick B. Ziesenheim, Registration No. 19,438; Kent E. Baldauf, Registration No. 25,826; Barbara E. Johnson, Registration No. 31,198; Paul M. Reznick, Registration No. 33,059; John W. McIlvaine, Registration No. 34,219; Blynn L. Shideler, Registration No. 35,034; Julie W. Meder, Registration No. 36,216; Lester N. Fortney, Registration No. 38,141; Randall A. Notzen, Registration No. 36,882; James G. Porcelli, Registration No. 33,757; Kent E. Baldauf, Jr., Registration No. 36,082; Christian E. Schuster, Registration No. 43,908; Dean E. Geibel, Registration No. 42,570; Thomas J. Clinton, Registration No. 40,561; Nathan J. Prepelka, Registration No. 43,016; Jessica M. Sosenko, Registration No. 47,102; Kirk M. Miles, Registration No. 37,891; and J. Matthew Pritchard,

Registration No. 46,228, whose post-office address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises, as fully and to all intents and purposes as I could do.

All correspondence and telephone calls should be addressed to Russell D. Orkin.

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney.

Date 10 July 2001 Inventor AR Jamieson
Andrew R. Jamieson

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

OMB No. 0651-0011 (exp. 4/94)

Tab settings 0 0 0 0

PATENTS ONLY

To the Assistant Commissioner for Patents:
Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Andrew R. Jamieson

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ OtherExecution Date: October 15, 2001

2. Name and address of receiving party(ies)

Name: Her Majesty the Queen in Right of Canada,
as represented by the Minister of
Agriculture and AgriFood, Atlantic Food
and Horticulture Research Centre,
Agriculture and Agri-Food Canada

Internal Address: _____

Street Address: 32 Main StreetCity: Kentville, Nova ScotiaCountry: CANADAZIP: B4N 1J5Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application,
the execution date of the application is: _____

A. Patent Application No.(s)

09/935,478

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Russell D. OrkinInternal Address: Webb Ziesenheim LogsdonOrkin & Hanson, P.C.Street Address: 700 Koppers Building436 Seventh AvenueCity: Pittsburgh State: PA ZIP: 15219-1818

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41).....\$40.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attach triplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Julie W. Meder

Name of Person Signing

Signature

October 29, 2001

Date

Total number of pages including cover sheet, attachments and document 2

Mail documents to be recorded with required cover sheet information to:
Assistant Commissioner for Patents, U.S. Patent and Trademark Office
Office of Public Records, Crystal Gateway 4, Room 335
Washington, D.C. 20231

ASSIGNMENT

WHEREAS, I, Andrew R. Jamieson, residing in Nova Scotia, Canada, have invented certain new and useful improvements entitled Strawberry Plant Named 'Sable' for which a patent application was filed in the United States Patent and Trademark Office on August 23, 2001 and bears Serial No. 09/935,478;

AND, WHEREAS, Her Majesty the Queen in Right of Canada, as represented by the Minister of Agriculture and AgriFood, Atlantic Food and Horticulture Research Centre, Agriculture and Agri-Food Canada, having a place of business at 32 Main Street, Kentville, Nova Scotia B4N 1J5, hereinafter called the "assignee", is desirous of acquiring the entire right, title, and interest in and to said application and the inventions and improvements therein disclosed.

NOW, THEREFORE, for good and valuable consideration paid to me by said assignee, the receipt of which is hereby acknowledged, I do hereby assign, sell, transfer, and set over unto said assignee the entire right, title and interest in and to said application and the inventions and improvements therein disclosed for the United States and all foreign countries and any Letters Patent which may issue therefor in the United States and all foreign countries and all divisions, reissues, continuations, continuations-in-part, renewals, and/or extensions thereof, said assignee to have and to hold the interests herein assigned to the full ends of the terms of said Letters Patent and any and all divisions, reissues, continuations, continuations-in-part, renewals, and/or extensions thereof, respectively, as fully and entirely as the same would have been held and enjoyed by me had this assignment not been made.

The Commissioner of Patents and Trademarks is requested to issue such Letters Patent in accordance herewith. I covenant that I am the lawful owner of the said application, inventions, and improvements, that the same are unencumbered, that no license has been granted to make, use, or vend the said inventions or improvements or any of them, and that I have the full right to make this assignment.

And for the consideration aforesaid, I agree that I will communicate to said assignee or the representatives thereof any facts known to me respecting said inventions and improvements, and will, upon request, but without expense to me, testify in any legal proceedings, sign all lawful papers, execute all divisional, reissue, continuation, continuation-in-part, renewal, and/or extension applications, make all rightful oaths, and generally do all other and further lawful acts, deemed necessary or expedient by said assignee or by counsel for said assignee, to assist or enable said assignee to obtain and enforce full benefits from the rights and interests herein assigned. This assignment shall be binding upon my heirs, executors, administrators, and/or assigns, and shall inure to the benefit of the heirs, executors, administrators, successors, and/or assigns, as the case may be, of said assignee.

EXECUTED October 15, 2001.

Andrew R. Jamieson
Andrew R. Jamieson